

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

) MDL No. 1917

) Case No. C-07-5944-SC

This Order Relates To:

) ORDER GRANTING MOTION TO
) WITHDRAW AS COUNSEL

CERTAIN DIRECT ACTION PLAINTIFF
ACTIONS

Now before the Court is a motion filed by Norman T. Finkel and Richard M. Goldwasser ("Counsel") of the law firm of Schoenberg, Finkel, Newman & Rosenberg, LLC to withdraw as counsel on behalf of subpoena respondent Dr. Alan Frankel ("Dr. Frankel"). ECF No. 3131. The time to file a responsive brief passed on December 4, 2014, and no opposition was filed. Currently the motion is set for hearing on Friday, January 9, 2015, however the Court finds no hearing is necessary, and VACATES the hearing date. Civ. L.R. 7-1(b). For the reasons set forth below the motion is GRANTED.

Counsel appeared in this litigation to represent Dr. Frankel in connection with a subpoena served on him in May. Dr. Frankel

1 timely responded to the subpoena and the relevant issues were
2 resolved by July. Now, Counsel move to withdraw, pointing out that
3 the purpose of their representation has been fulfilled. Counsel
4 sent notice of this motion to Dr. Frankel, advising him of his
5 right to retain other counsel. At that time, Dr. Frankel told them
6 that he has no objection to their withdrawal and will not be
7 retaining any other counsel.

8 Civil Local Rule 11-5(a) prohibits counsel from withdrawing
9 from an action until (1) the Court has issued an order permitting
10 withdrawal, and (2) written notice has been given to the client and
11 to all other parties. Where, as here, withdrawal is not
12 accompanied by the appearance of substitute counsel or agreement of
13 the party to appear pro se, leave to withdraw may be "subject to
14 the condition that papers may continue to be served on counsel for
15 forwarding purposes" Civ. L.R. 11-5(b).

16 The Court finds that because Dr. Frankel is not a party to
17 this case, there is no need to condition withdrawal on continued
18 service on Counsel. Given that the purpose of Counsel's
19 representation is completed, Dr. Frankel has been informed of
20 Counsel's desire to withdraw, has no objection, and does not plan
21 to obtain another attorney, the motion is GRANTED and the hearing
22 is VACATED.

23
24 IT IS SO ORDERED.

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26 Dated: December 18, 2014



UNITED STATES DISTRICT JUDGE